

SENATE FILE NO. SF0106

Welfare Fraud Prevention Act Amendments.

Sponsored by: Senator(s) Biteman

A BILL

for

1 AN ACT relating to welfare; amending the intervals at which
2 the department of health and department of family services
3 shall determine specified information of an applicant for
4 or recipient of public welfare and assistance; making
5 conforming amendments; amending the requirements for public
6 welfare and assistance qualification and participation;
7 establishing citizen, noncitizen and qualified alien
8 eligibility for public welfare and assistance; requiring
9 the reporting of illegal alien status; requiring specified
10 hospitals to collect citizenship status information;
11 requiring rulemaking; requiring reporting; providing
12 definitions; specifying applicability; and providing for an
13 effective date.

14

15 *Be It Enacted by the Legislature of the State of Wyoming:*

16

1 **Section 1.** W.S. 42-2-115, 42-10-108 through
2 42-10-110, 42-10-201 and 42-12-101 through 42-12-106 are
3 created to read:

4

5 **42-2-115. Supplemental nutrition assistance program**
6 **eligibility recertification frequency.**

7

8 (a) The department shall assign certification periods
9 of not greater than four (4) months to households that
10 include an able bodied adult without dependents and other
11 households whose circumstances are determined by the
12 department to be unstable, unless otherwise prohibited
13 under federal law for the supplemental nutrition assistance
14 program.

15

16 (b) The department shall assign certification periods
17 of one (1) or two (2) months to households that the
18 department determines will become ineligible for the
19 supplemental nutrition assistance program in the near
20 future, unless otherwise prohibited under federal law.

21

22 (c) Except as provided by paragraphs (a) and (b) of
23 this section, the department shall assign certification

1 periods of not more than six (6) months to households whose
2 members are not elderly or disabled, unless otherwise
3 prohibited under federal law.

4

5 **42-10-108. Prohibition on self-attestation.**

6

7 (a) Except as required under federal law,
8 self-attestation shall not be accepted for any of the
9 following eligibility factors without verification prior to
10 enrollment in the medicaid program:

11

12 (i) Income in excess of zero dollars (\$0.00);

13

14 (ii) Residency;

15

16 (iii) Identity;

17

18 (iv) Except for any presumptive eligibility
19 period, citizenship or immigration status.

20

21 (b) The department shall not rely on self-attestation
22 to establish any medicaid eligibility factor unless
23 expressly required by federal law.

1

2 **42-10-109. Residency verification; monthly address**
3 **checks; multistate enrollment; monthly death record checks.**

4

5 (a) As used in this section, "address change
6 information" means postal change of address data, state
7 address change databases or comparable systems.

8

9 (b) On not less than a monthly basis, the department
10 of health shall review address change information to
11 identify potential changes in residency for medicaid
12 recipients.

13

14 (c) The department of health shall conduct monthly
15 cross checks of address change information against
16 enrollment records and shall initiate an eligibility
17 redetermination when a change in residency is indicated.

18

19 (d) The department of health shall submit enrollment
20 information to any national database used to identify
21 persons enrolled in medicaid in multiple states.
22 Implementation of this subsection shall occur no later than
23 October 1, 2029.

1

2 (e) Not later than August 31 of each year, the
3 department of health shall submit a public report to the
4 joint labor, health and social services interim committee
5 of the Wyoming legislature, including:

6

7 (i) The number of persons flagged through
8 address change information or out of state benefit
9 activity;

10

11 (ii) The number of persons removed from the
12 medicaid program due to enrollment in multiple states;

13

14 (iii) The estimated fiscal impact of this
15 section.

16

17 (g) On not less than a monthly basis, the department
18 of health shall receive and review information from the
19 vital statistics services and the social security
20 administration master death file to identify any deceased
21 persons enrolled in the medicaid program. Upon confirmation
22 of death, the department shall promptly remove the deceased
23 person from the program.

1

2 **42-10-110. Retroactive medicaid eligibility;**
3 **rulemaking; reporting.**

4

5 (a) As used in this section:

6

7 (i) "Retroactive eligibility" means coverage for
8 services furnished prior to the month of application as
9 authorized by 42 U.S.C. § 1396a(a) (34);

10

11 (ii) "Medicaid eligible population" means
12 persons eligible for medicaid under state or federal law.

13

14 (b) Retroactive medicaid eligibility shall not extend
15 more than two (2) months prior to the month in which a
16 completed medicaid application is submitted.

17

18 (c) This limitation applies only to initial
19 applications and shall not affect ongoing eligibility.

20

21 (d) The department of health shall adopt rules
22 necessary to implement this section.

23

1 (e) Not later than August 1 of each year, the
2 department of health shall submit a report to the joint
3 labor, health and social services interim committee of the
4 Wyoming legislature, including:

5

6 (i) The number of medicaid applications
7 processed;

8

9 (ii) The number of applicants denied retroactive
10 eligibility under this section; and

11

12 (iii) The estimated fiscal impact of the
13 limitation.

14

15 (f) This section shall be implemented not later than
16 January 1, 2027.

17

18

ARTICLE 2

19

WAIVER OF WORK REQUIREMENTS

20

21 **42-10-201. Prohibition on waiver of work requirements**
22 **and exemptions.**

23

1

2 (b) No person who is not a United States citizen or
3 national of the United States shall be eligible to receive
4 medical assistance through medicaid, unless that person
5 meets the definition of an eligible alien pursuant to 42
6 U.S.C. § 1396b(v) and meets the definition of a qualified
7 alien pursuant to 8 U.S.C. § 1641(b).

8

9 (c) No person who is not a United States citizen or
10 national of the United States shall be eligible to receive
11 assistance through the personal opportunities with
12 employment responsibilities (POWER) program, unless that
13 person meets the definition of a qualified alien pursuant
14 to 8 U.S.C. § 1641(b).

15

16 **42-12-102. Verification of citizenship or eligible**
17 **alien status.**

18

19 (a) The department of family services shall be
20 required to verify that a person is eligible to participate
21 in the supplemental nutrition assistance program during
22 enrollment and eligibility recertification by verifying
23 citizenship or eligible alien status by using the United

1 States citizenship and immigration services' systematic
2 alien verification for entitlements (SAVE) online service
3 or requiring the person to provide an acceptable form of
4 proof of citizenship or eligible alien status, including
5 but not limited to certified birth certificates, United
6 States passports and United States customs and immigration
7 services documentation.

8

9 (b) The department of health shall be required to
10 verify that a person is eligible for medicaid during
11 enrollment and eligibility redetermination by verifying
12 citizenship or eligible alien status using the SAVE online
13 service or requiring the person to provide an acceptable
14 form of proof of citizenship or eligible alien status,
15 including but not limited to, certified birth certificates,
16 United States passports and United States customs and
17 immigration services documentation.

18

19 (c) The department of family services or other
20 applicable agency shall be required to verify that a person
21 is eligible for the POWER program during enrollment and
22 eligibility redetermination by verifying citizenship or
23 eligible alien status using the SAVE online service or

1 requiring the person to provide an acceptable form of proof
2 of citizenship or eligible alien status, including but not
3 limited to, certified birth certificates, United States
4 passports and United States customs and immigration
5 services documentation.

6

7 (d) The department of family services shall submit to
8 the United States department of agriculture information
9 concerning any assistance unit member for whom it is unable
10 to verify eligible alien status.

11

12 (e) The department of health shall submit to the
13 United States department of health and human services
14 information concerning any person member for whom it is
15 unable to verify eligible alien status.

16

17 **42-12-103. Referral of illegal aliens to law**
18 **enforcement.**

19

20 The department of health and department of family services
21 shall submit to the appropriate law enforcement
22 authorities, including but not limited to the United States
23 department of homeland security, information concerning any

1 household member or assistance unit member who it is
2 determined by the applicable department while applying the
3 requirements of this title to be an unlawfully present
4 alien, regardless of whether such household member or
5 assistance unit member is applying to participate in a
6 public assistance program, including but not limited to,
7 the supplemental nutrition assistance program or medicaid.

8

9 **42-12-104. Counting of ineligible alien income in**
10 **determination of benefits under the supplemental nutrition**
11 **assistance program.**

12

13 The entire income and financial resources of any individual
14 rendered ineligible for participation in the supplemental
15 nutrition assistance program under 7 U.S.C. § 2015(f) shall
16 be considered in determining the eligibility and benefit
17 allotment of the household of which such individual is a
18 member.

19

20 **42-12-105. Reasonable opportunity periods for**
21 **noncitizens applying for medicaid.**

22

1 (a) The department of health shall adhere to the
2 following requirements regarding the reasonable opportunity
3 period for verification of United States citizenship or
4 eligible alien status for medicaid:

5
6 (i) When an applicant's status cannot be
7 verified through available data sources, the department
8 shall provide only a single reasonable opportunity period,
9 consistent with the minimum period required under federal
10 law, for the applicant to provide verification;

11
12 (ii) Medicaid coverage may only be provided
13 provisionally during the reasonable opportunity period;

14
15 (iii) Failure to submit acceptable documentation
16 within the reasonable opportunity period required under
17 federal law shall result in denial or termination of
18 medicaid eligibility, subject to required notice;

19
20 (iv) No additional reasonable opportunity period
21 shall be granted to any applicant for medicaid who has
22 previously been denied eligibility at any time due to a
23 failure to verify citizenship or eligible alien status.

1

2 **42-12-106. Citizenship data collection and**
3 **presumptive eligibility integrity, medicaid.**

4

5 (a) The department of health shall require a field
6 for citizenship or eligible alien status on all presumptive
7 eligibility applications. The department shall require
8 hospitals, clinics and other qualified entities authorized
9 to conduct presumptive eligibility determinations to
10 collect and transmit attestations of citizenship or
11 eligible alien status to the department. No presumptive
12 eligibility application shall be approved unless the
13 applicant certifies that they are a United States citizen,
14 United States national, or alien eligible for medicaid
15 pursuant to 42 U.S.C. § 1398b(v) and W.S. 42-12-101(b).

16

17 (b) The department of health shall:

18

19 (i) Require each hospital that accepts medicaid
20 to include a provision on its patient admission or
21 registration form for the patient or the patient's
22 representative to state or indicate whether the patient is

1 a United States citizen or lawfully present in the United
2 States or is not lawfully present in the United States;

3

4 (ii) Require each hospital that accepts medicaid
5 to inform a patient, at the time this information is
6 collected, that any submission made on an admission or
7 registration form will not affect patient care, as required
8 by federal law;

9

10 (iii) Require that each hospital shall submit a
11 quarterly report to the department of health within thirty
12 (30) days after the end of each calendar quarter which
13 reports the number of hospital admissions or emergency
14 department visits within the previous quarter which were
15 made by a patient who indicated that he or she was a
16 citizen of the United States or lawfully present in the
17 United States, was not lawfully present in the United
18 States, or declined to answer together with other
19 information required by the department;

20

21 (iv) By April 1 of each year, submit a report to
22 the governor and the joint labor, health and social
23 services interim committee, which includes the number of

1 hospital admissions and emergency department visits for the
2 previous calendar year where the patient or patient's
3 representative reported that the patient was a citizen of
4 the United States or declined to answer. The report shall
5 also describe information relating to the costs of
6 uncompensated care for aliens who are not lawfully present
7 in the United States, the impact of uncompensated care on
8 the cost or ability of hospitals to provide services to the
9 public, hospital funding needs and other related
10 information;

11

12 (v) Adopt rules relating to the format and
13 information to be contained in quarterly reports and the
14 acceptable formats for hospitals to use in requesting
15 information regarding a patients immigration status on
16 hospital admission or registration forms.

17

18 **Section 2.** W.S. 42-2-103(b) (xvi) and
19 42-10-103(a) (intro), (iii) through (viii), (x) through (xv)
20 and by creating a new subsection (d) is amended to read:

21

1 **42-2-103. Provision of assistance and services;**
2 **duties of department; burial assistance; department of**
3 **health state supplemental security income program.**

4
5 (b) In carrying out subsection (a) of this section
6 and except as provided under the Wyoming Medical Assistance
7 and Services Act, the department shall:

8
9 (xvi) Conduct the applicable eligibility and
10 identity verification process as provided in W.S. 42-10-101
11 through ~~42-10-107~~ 42-10-110.

12
13 **42-10-103. Enhanced eligibility verification process.**

14
15 (a) Prior to awarding any public welfare benefit, and
16 ~~on a quarterly basis~~ at the intervals specified in this
17 section after any benefit is awarded, the department shall,
18 to the extent practicable, determine the following
19 information as it relates to each applicant for or
20 recipient of a public welfare benefit:

21
22 (iii) Income information maintained by the
23 United States social security administration, reviewed by

1 the department at every application and recertification
2 period;

3

4 (iv) Immigration status information maintained
5 by the United States citizenship and immigration services
6 and verified through the SAVE online service or other
7 acceptable documentation;

8

9 (v) Death register information maintained by the
10 United States social security administration, reviewed by
11 the department not less than on a monthly basis;

12

13 (vi) Prisoner information maintained by the
14 United States social security administration, reviewed by
15 the department of family services at every application and
16 recertification period;

17

18 (vii) Public housing and section 8 housing
19 assistance payment information, reviewed by the department
20 of family services at every application and recertification
21 period;

22

1 (viii) Fleeing felon, probation or parole
2 violation information, reviewed by the department of family
3 services at every application and recertification period;
4

5 (x) Beneficiary records and earnings information
6 maintained by the United States social security
7 administration in the beneficiary and earnings data
8 exchange system, reviewed by the department at every
9 application and recertification period;
10

11 (xi) Earnings and pension information maintained
12 by the United States social security administration in the
13 beneficiary earnings exchange record system, reviewed by
14 the department at every application and recertification
15 period;
16

17 (xii) Earnings and pension information
18 maintained by the Wyoming retirement system, reviewed by
19 the department of family services at every application and
20 recertification period and by the department of health upon
21 the receipt of applicable information from the Wyoming
22 retirement system;
23

1 (xiii) Employment information, ~~maintained by the~~
2 ~~department of workforce services~~ reviewed by the department
3 at every application and recertification period;
4

5 (xiv) Employment information maintained by the
6 United States department of health and human services in
7 the national directory of new hires, reviewed by the
8 department of family services at every application and
9 recertification period;
10

11 (xv) Supplemental security income information
12 maintained by the United States social security
13 administration in the social security income state data
14 exchange system, reviewed by the department at every
15 application and recertification period;
16

17 (d) On not less than a quarterly basis, the
18 department of family services and department of health
19 shall each make available on their public websites all of
20 the following data from findings on noncompliance and fraud
21 investigations, provided the data is presented in the
22 aggregate and does not include confidential or personally
23 identifying information:

1

2

(i) The total number of public benefit cases investigated for intentional program violations or fraud;

4

5

(ii) The total number of public benefit cases referred to the attorney general's office for prosecution;

7

8

(iii) Total improper payments and expenditures;

9

10

(iv) Total monies received;

11

12

(v) Aggregate data concerning improper payments and ineligible recipients as a percentage of those recipients investigated and reviewed.

15

16

Section 3. This act is effective January 1, 2027.

17

18

(END)